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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
LAND USE PLANNING COMMISSION  
PO BOX 1107  
GREENVILLE, MAINE  
04441

WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## DEVELOPMENT PERMIT DP 4954 RECREATIONAL LODGING FACILITY

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by the Appalachian Mountain Club for Development Permit DP 4954, finds the following facts:

1. Applicant: AMC Maine Woods II, Inc.  
5 Joy Street  
Boston, MA 02108
2. Agent: Dan Rinard  
PO Box 310  
Greenville, Maine 04441
3. Date of Completed Application: May 1, 2014
4. Location of Proposal: AMC's Medawisla Wilderness Lodge on Second Roach Pond  
Shawtown (TA R12 WELS), Piscataquis County  
Plan 01, Lot 2.2
5. Zoning: (D-GN) General Development Subdistrict  
(M-GN) General Management Subdistrict  
(P-GP) Great Pond Protection Subdistrict  
(P-WL1) Wetland Protection Subdistrict
6. Lot Size: 40.2 Acres (Owned)
7. Principal Buildings (Footprints / Floor Area):
  - Existing Main Lodge/Dining Hall (27' x 55')
  - Existing Cabin #1 (17' x 27') with Bath (10' x 4')
  - Existing Cabin #2 (13' x 25')
  - Existing Cabin #3 (28' x 20') with Porch (16' x 5') & Bath (5' x 12')
  - Existing Cabin #4 (24' x 17') with Porch (13' x 6')
  - Existing Cabin #5 (23' x 26') with Loft (23' x 12')
  - Existing Cabin #6 (21' x 13')
  - Existing Cabin #7 (19' x 11')
8. Accessory Structures (Footprints / Floor Area):
  - Existing Barn (36' x 23')
  - Existing Boat Shed (7' x 4')
  - Existing Pole Barn (31' x 25')
  - Existing Generator Shed (36' x 10') with Fuel Storage (9' x 16')
  - Existing Kindling Shed (8' x 6')
  - Existing Chicken Coop (8' x 7')
  - Existing Shed (9' x 8')
  - Existing Firefighting Shed (5' x 5')

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Existing Propane Tanks (Four)

9. Sewage Disposal:

Existing Privies (3) serving the Cabins & Lodge

Existing Subsurface Sewage Disposal of Unknown Design, Size and Capacity

10. Affected Waterbody: Second Roach Pond, is a Resource Class 1B undeveloped accessible lake with significant scenic and fishery resources.

**Background**

11. The applicant's lot is developed with the existing structures described above as a lakefront pre-Commission Commercial Sporting Camp. The facility is accessed from a series of land management roads that provide vehicular access to an unimproved driveway that goes through the site and dead ends at the rock dam on Second Roach Pond. On August 28, 2013 the Commission approved Shoreland Alteration Permit SA 1068, which authorized the reconstruction of the rock dam with fish passage structure that extends from the end of an existing filled fixed pier structure located on the shoreline of the applicant's site. The rock dam structure extends across the lake onto lands that are part of a conservation easement with the State of Maine, Bureau of Parks and Lands. The rock dam controls the water elevation of Second Roach Pond. The complete application to reconstruct the pre-Commission Commercial Sporting Camp structures was submitted less than 2 years from the date the facility closed in May 2012. The applicant closed the facility at that time due to the age and disrepair of the existing structures, with the intent of re-opening after the facility was reconstructed.

**Proposal**

12. The applicant proposes to reconstruct some of the pre-Commission Commercial Sporting Camp structures and remove the remainder as part of a phased project to create a larger Recreational Lodging Facility on lands owned by the applicant, which include the original Medawisla Sporting Camp site and adjacent lands. The proposed reconstruction is shown on plans in one sheet entitled: "Proposed Site Plan for Appalachian Mountain Club Medawisla Wilderness Lodge", prepared by CES Inc. Engineering dated March 14, 2014. For phase one, which is the subject of this application, the applicant proposes to:

**Principal Buildings (Footprints & Floor Area)**

Reconstruct Main Lodge (20' x 40') with Porch (20' x 8') & Deck (20' x 8');  
Reconstruct Cabin #1 (16' x 20') with Porch (16' x 5') & Bath (9.2' x 4');  
Reconstruct Cabin #2 (20' x 24') with Bath (9.2' x 4');  
Reconstruct Cabin #3 (20' x 24') with Bath (9.2' x 4');  
Reconstruct Cabin #4 (20' x 24') with Bath (9.2' x 4');  
Reconstruct Cabin #5 & Convert to Bunkhouse #1 (24.5' x 32.5');  
Demolish & Remove Existing Cabin #6;  
Demolish & Remove Existing Cabin #7; and

**Accessory Structures (Footprints & Floor Area)**

Reconstruct Barn & Convert to Bath House (21' x 34.7');  
Demolish & Remove Existing Pole Barn (31' x 25');  
Demolish & Remove Existing Generator Shed (36' x 10') & Fuel Storage (9' x 16');  
Demolish & Remove Existing Kindling Shed (8' x 6');  
Demolish & Remove Existing Chicken Coop (8' x 7');  
Demolish & Remove Existing Generator Shed (36' x 10') & Fuel Storage (9' x 16');  
Demolish & Remove Existing Shed (9' x 8');  
Demolish & Remove Existing Firefighting Shed (5' x 5');

Remove Existing Propane Tanks (Four);  
Maintain Existing Boat Shed (7' x 4'); and

**Sewage Disposal**

Demolish & Remove Existing Privies (3) serving the Cabins & Lodge;  
Replace and Upgrade Subsurface Sewage Disposal System (1,534 GPD).

13. The site, including existing and proposed development, would:

- a) include lodging facilities for primarily off site non-motorized recreational activities, such as hiking, swimming, canoeing, kayaking, fishing, cross country skiing, snow shoeing, wildlife watching and mountain biking. A series of trails would interconnect other similar recreational lodging facilities. On-site activities, features and services would have low noise and odors and would not be visible from the road and minimally visible from small sections of Second Roach Pond;
- b) not be served by public utilities, but would have indoor plumbing;
- c) not have campsites available at the facility that have water and electric at campsites;
- d) include a floor area for all principal buildings of approximately 4,546 square feet;
- e) include a footprint of existing clearing of approximately 56,000 square feet within 250 feet of Second Roach Pond, a body of standing water greater than 10 acres;
- f) include less than 227 square feet of retail space for "T" Shirts and related items for sale to guests;
- g) include dining amenities provided to guests;
- h) not include fuel sales; and
- i) have an overnight occupancy of approximately 28 people.

14. The site would not be located within either 2 miles of a public road or within 10 miles Greenville.

**Review Criteria**

15. Under the provisions of Section 10.02 #33 of the Commission's Land Use Districts and Standards, a Commercial Sporting Camp is a "building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling." 12 M.R.S.A. §682(14). In addition, for the purposes of the application of the Commission's rules, the term "commercial sporting camp" shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than as a transient development unit or as a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and typically consists of, but does not have to include, all of the following: a number of cabins for the housing of guests, including but not limited to housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are not a part of commercial sporting camp facilities. Guests of outpost cabins may use the services of the commercial sporting camp whether or not the commercial sporting camp is permitted for expanded access (Section 10.27,Q,1).
16. Under the provisions of Section 10.02 #168 of the Commission's Land Use Districts and Standards, Recreational Lodging Facilities are defined as: Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes.

Recreational lodging facilities primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing. To be included in a recreational lodging facility, rental units must be served by an on-site attendant while guests are present. Related development that is located more than one half mile, measured in a straight line, from the nearest structure providing guest services, such as dining, gathering places, retail shower house, dumping station, check-in office, and equipment rental shall be considered a separate facility, unless the owner chooses to consider them as one facility. Caretaker or attendant housing will not be used to establish the one half mile distance unless no other guest services are provided. If no guest services are provided then all development on the regulatory parcel shall be considered part of the same facility and may be part of a facility on an adjoining parcel. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are divided into five levels: [Levels A through E] ...

**Level B Facilities** have low impacts on existing resources within the development site and surrounding areas. Level B facilities are specifically designated by Section 10.27,Q,1.

17. Under provisions of Section 10.11,C,2,b of the Commission's Land Use Districts and Standards, the maximum height of all structures within 100 feet horizontal distance from the normal high water mark of bodies of standing water greater than 10 acres shall be 25', or the height of the existing structure, whichever is greater.
18. Under provisions of Section 10.11,C,2,e of the Commission's Land Use Districts and Standards, a legally existing, nonconforming structure within a commercial sporting camp may be reconstructed in place, provided that the reconstruction occurs within 2 years of damage, destruction or removal and the Commission issues a permit [see 12 M.R.S.A. §685-B(7-A)]. The Commission may, consistent with public health, safety and welfare, waive standards that made the original structure nonconforming. The reconstructed structure must replicate the original structure and use to the maximum extent possible and it must be in the same location and within the same footprint as the original structure, unless the structure is relocated in accordance with Section 10.11,C,3. Minor modifications to dimensions to the structure, including the combining of multiple structures on one lot may be allowed provided the total square footage of the structure or structures is not increased and conforms with Section 10.11,C,1,b.
19. Under provisions of Section 10.21,C,3,c(16) of the Commission's Land Use Districts and Standards, a Level B Recreation Lodging Facility, which includes commercial sporting camps, may be allowed in a (D-GN) General Development Subdistrict upon issuance of a permit from the Commission.
20. Under provisions of Section 10.26,D,1&2 of the Commission's Land Use Districts and Standards, all those structures within the recreational lodging facility constructed solely for the housing of guests must be set back a minimum of 100 feet from the normal high water mark of a body of standing water 10 acres or greater in size, at least 50 feet from the traveled portion of all roadways and at least 15 feet from side and rear property lines. All other structures within the recreational lodging facility, must be set back a minimum of 150 feet from the normal high water mark of a

body of standing water 10 acres or greater in size, at least 75 feet from the traveled portion of all roadways and at least 25 feet from side and rear property lines.

21. Under provisions of Section 10.26,F,2 of the Commission's Land Use Districts and Standards, structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater shall be no higher than 30 feet.
22. Under provisions of Section 10.27,Q of the Commission's Land Use Districts and Standards, All new recreational lodging facilities, and reconstruction of or substantial improvements to existing recreational lodging facilities, must be developed in conformance with the standards of this section or in accordance with other applicable provisions of this Chapter. If the requirements in the standards below are at variance with the requirements of any other provisions of this Chapter, or other lawfully adopted rules, regulations, standards, or ordinances, the more protective of existing natural, recreational and historic resources shall apply.

### **Review Comments**

23. The Maine Natural Areas Program has reviewed the application and indicates that there are no rare botanical features documented specifically within the project area.
24. The Maine Department of Inland Fisheries and Wildlife has reviewed the permit application and has no concerns for fisheries or wildlife.
25. The Maine Historical Preservation Commission has reviewed the application and based on the information submitted, concluded that there would be no historic properties affected by the proposed undertakings.
26. The Maine State Soil Scientist has reviewed the permit application and has no objections. He recommends the use of soil erosion and sediment control measures adequate for the proposed level of construction and recommends limiting the use of heavy equipment to a time of year when roads and soils are reasonably stable and not saturated.
27. The Division of Environmental Health has reviewed the permit application and found the HHE-200 Form dated 4/11/14 prepared by Roger St. Amand meets the requirements of Subsurface Wastewater Disposal Rules for the proposed use.
28. The facts are otherwise as represented in the application for Development Permit DP 4954, and supporting documents.

### **Based upon the above Findings, the staff concludes that:**

29. The proposal will meet the definition of a recreational lodging facility under the provisions of Section 10.02 of the Commission's Standards because the site and facility will:
  - a) be used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes;
  - b) primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based;
  - c) be served by an on-site attendant while guests are present; and

- d) include or be similar to commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing.
30. In accordance with the provisions of Section 10.27, Q, 1, Tables A and B, of the Commission's Standards, the site, including existing and proposed development constitutes a Level B recreational lodging facility. Specifically, the reconstruction of the pre-Commission Medawisla Commercial Sporting Camp meets all applicable standards for reconstruction and is consistent with Table A Facility Level Determination, factors for a Level B Facility. While the existing clearing is approximately 56,000 square feet, facilities in existence prior to July 1, 2013 may be categorized without regard to footprint of clearing. The total floor area for all principal buildings is approximately 4,546 square feet, which is less than the maximum 8,000 square feet allowed for a Level B Facility. The limited retail sales would total less than the 227 square feet allowed. The recreational activities offered would be non-motorized low noise and odor, featuring hiking, mountain biking, cross country skiing, snow shoeing, canoeing, kayaking, fishing and wildlife watching. The natural colors and small scale of the reconstructed sporting camp would not cause an adverse visual impact. The total overnight occupancy would be approximately 28 people, less than the 100 maximum allowed in a Level B Facility.
31. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

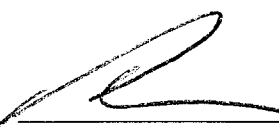
**Therefore, the staff approves the application of AMC with the following conditions:**

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. All those structures within the recreational lodging facility constructed solely for the housing of guests must be set back a minimum of 100 feet from the normal high water mark (NHWM) of Second Roach Pond, at least 50 feet from all roads and at least 15 feet from other property boundary lines. With the exception of the reconstructed main lodge, which may be set back a minimum of 120' from the NHWM and the existing boat shed, which may be maintained at 4' and/or reconstructed at 25' from the NHWM, all other structures within the recreational lodging facility, must be set back a minimum of 150 feet from the normal high water mark of Second Roach Pond, at least 75 feet from all roads and at least 25 feet from other property boundary lines. The access driveway that extends through the existing developed section of the Medawisla Wilderness Lodge site and dead ends at the rock dam is not considered a road and does not require setbacks. The normal high water mark, which delineates the limits of Second Roach Pond, extends down to the original log dam that separates the pond from Roach River.
3. The boat shed shall not exceed 25' in height, all other structures shall not exceed 30 feet in height.
4. Retail space shall not exceed 5% of floor area of principal buildings or 100 square feet, whichever is greater.

5. The materials removed during the reconstruction must be disposed of in accordance with the State of Maine Solid Waste Disposal Laws. Construction debris must not be disposed of in a wetland. All construction debris must be removed from the site upon completion of reconstruction activities.
6. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
7. Construction with heavy equipment shall occur during the time of year when roads and soils are reasonably stable and not saturated.
8. Once construction is complete, the permittee(s) shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
9. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
10. Exterior finishes of all structures shall be non-reflective and natural colors to blend with the natural surroundings and minimize any adverse visual impacts. The permittee may plant native vegetation to help visually screen the facility from the adjacent water body and surrounding lands.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS TWENTIETH DAY OF JUNE, 2014.

for:  NICHOLAS D. LIVESAY  
Nicholas D. Livesay, Executive Director